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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 UNITED STATES OF AMERICA,
14 Plaintiff,
15 vs.
16 FREDRICK J. LEAVITT and
17 DUSTIN M. LEWIS,
18 Defendants.

Case No. 2:17-cr-0391-APG-VCF

JOINT STIPULATION TO CONTINUE
SENTENCING HEARING
(Second Request)

20 Pursuant to the Court's Local Rule of Criminal Practice 45-1, the parties respectfully
21 request that the Court approve this stipulation seeking a continuance of Frederick J. Leavitt's
22 sentencing hearing currently scheduled for March 30, 2020. Should the Court approve this
23 stipulation, the parties respectfully request that the Court continue Mr. Leavitt's sentencing
24 hearing to a date convenient for the Court but no earlier than June 15, 2020. This is the parties'
25 second stipulation to continue Mr. Leavitt's sentencing hearing. In support of this stipulation,
26 the parties note the following facts:
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28

1 1. The entire United States, and most of the world for that matter, is in a state of
2 emergency on account of the “coronavirus” otherwise known as “COVID-19.” Governments,
3 including the State of Nevada, have imposed measures seeking to curtail the movement of
4 people and to limit gatherings in order to contain the spread of the coronavirus. Even many
5 federal courts, including the United States Court of Appeals for the Ninth Circuit, have imposed
6 restrictions upon persons entering courthouses.
7

8 2. Currently, Fredrick Leavitt’s sentencing hearing is scheduled for March 30, 2020.
9 Many of Mr. Leavitt’s family members intend to appear at that hearing in support of Mr.
10 Leavitt. Some of those family members, including Mr. Leavitt himself, will be travelling to Las
11 Vegas from other cities. However, due to the current uncertainty in air travel, the social
12 distancing being encouraged by health authorities and the potential risks associated with groups
13 of people congregating in close proximity to another, counsel for Mr. Leavitt believe a
14 continuance of the current sentencing hearing is necessary.
15

16 3. Counsel for Mr. Leavitt have communicated with government counsel regarding the
17 matters set forth herein and the parties are in agreement that a continuance of no less than 60-
18 days is appropriate under the circumstances. To that end, the parties respectfully request the
19 Court approve this stipulation and continue the current sentencing hearing involving Mr. Leavitt
20 to a date convenient for the Court but no earlier than June 15, 2020.
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1 In light of the foregoing, the parties respectfully request that the Court approve this
2 stipulation.

3 */s/ Patrick Burns*

4
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6 Patrick Burns, Esq.
7 Assistant United States Attorney
United States Attorney's Office

8 Counsel for the United States of America

9 Dated: March 18, 2020

10 Respectfully submitted,

11 */s/ Thomas F. Pitaro*

12 */s/ Paul S. Padda*

13 Thomas F. Pitaro, Esq.

14 Paul S. Padda, Esq.

15 Counsel for Fredrick J. Leavitt

16 Dated: March 18, 2020

17 **IT IS SO ORDERED:**

18 The parties' joint stipulation seeking to continue the
current date for the sentencing hearing in this matter
is approved.

19 The current sentencing date of March 30, 2020 is
hereby vacated.

20 The sentencing hearing in this matter is continued to
the following date and time:

21 Date: July 1, 2020

22 
Time: 11:00 a.m. in Courtroom 6C

23 **UNITED STATES DISTRICT JUDGE**

24 **DATED:** March 18, 2020

CERTIFICATE OF SERVICE

Pursuant to both the Federal Rules of Criminal Procedure and the Court's Local Rules, the undersigned hereby certifies that on this day, March 18, 2020, a copy of the foregoing document was served upon all registered parties and their counsel through the Court's electronic filing system (CM/ECF).

/s/ Paul S. Padda

Paul S. Padda, Esq.

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